

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

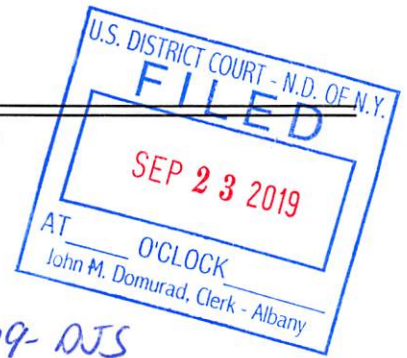
v.)

JAY SCOTT CLOUTIER)

Case No. 1:19-MJ-609-DJS)

Defendant)

CRIMINAL COMPLAINT



I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of April 10, 2019 through September 20, 2019, in the county of Albany in the Northern District of New York, and elsewhere, the defendant violated:

*Code Section**Offense Description*

18 U.S.C. § 2422(b)

Using a facility of interstate commerce to, or attempt to, persuade, induce, entice, and coerce, an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense

18 U.S.C. § 2423(b)

Traveling in interstate commerce with a motivating purpose of engaging in illicit sexual conduct with another person

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Brian P. Seymour, FBI, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 23, 2019

Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

AFFIDAVIT OF SPECIAL AGENT BRIAN SEYMOUR

I, BRIAN P. SEYMOUR, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since September 2007. I am assigned to the Albany Division, Albany, New York, and previously worked in the Buffalo Division. I have conducted and participated in numerous investigations of criminal activity, including, but not limited to, criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal enticement and/or coercion of minors, travel with the intent to engage in illicit sexual conduct of minor, and the illegal distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, 2252A, 2422 and 2423. In addition, I have received formal training in the area of child pornography and child exploitation.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the interstate travel with intent to engage in a sexual act with a minor, in violation of Title 18, United States Code, Section 2423(b) and the exploitation of a minor for sexual purposes in violation of Title 18, United States Code, Sections 2251(a) and 2422(b).

3. I respectfully make this affidavit in support of a criminal complaint and arrest warrant charging Jay Scott Cloutier ("CLOUTIER"), with: (1) using a facility of interstate

commerce to, or attempt to, persuade, induce, entice, and coerce, an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b); and (2) traveling in interstate commerce with a motivating purpose of engaging in illicit sexual conduct with another person in violation of Title 18, United States Code, Section 2423(b).

4. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement officials, including members of the Colonie and New York State Police Departments, and on my experience and training. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CLOUTIER has violated Title 18, United States Code, Sections 2422(b) and 2423(b).

Details of the Investigation

5. As part of my investigative duties, I maintain an undercover online persona of a fourteen year old male. In this capacity, I maintain a profile on a social media platform.

6. Based on my training and experience, I know that the platform where I maintain my online persona is a social networking and online dating application that markets itself as a social networking application for “gay, bi, trans, and queer people.” The mobile application makes use of a mobile device's geolocation feature, which allows users to locate other users who are nearby. Choosing a particular user's profile provides the options to chat, send pictures, and share one's precise location.

7. On April 10, 2019 at approximately 10:45pm, application user “Dad here” sent a message to my undercover profile; “Dad here” indicated that he liked “phys contact” which I

understood, based on my training and experience, to mean physical contact. I then asked “Dad here” if we could text and he provided cellular telephone number (207) 232-XXXX. I sent a text message to the number stating “Hey its [name of undercover persona]” and we continued regularly communicating by text message from April 10, 2019 – April 25, 2019. On April 26, 2019 the undercover role was transitioned to TFO Christopher Smith and TFO Smith continued to communicate on a regular basis via text message with “Dad here,” who was using number (207) 232-XXXX, through September 20, 2019.

8. During text message conversations with (207) 232-XXXX, “Dad here” also provided an email address of StateXXXXXX@yahoo.com. Queries of open source internet websites and social media applications and pay for service law enforcement databases revealed several social media accounts associated with the StateXXXXXX@yahoo.com, as well as the name JAY SCOTT CLOUTIER date of birth XX/XX/1963.

9. Throughout the course of the conversations, CLOUTIER learned that the undercover persona was a fourteen year old boy, who initially was in junior high school and then was entering high school as of the later conversations. CLOUTIER expressed a sexual interest in the undercover persona and an interest in helping to guide him in learning about and exploring his sexuality. CLOUTIER and the undercover persona engaged in conversations about sexual conduct and would discuss the undercover persona conducting sexual acts on himself, as well as sexual acts CLOUTIER would engage in with the undercover persona once they met. CLOUTIER asked the undercover persona to be his boyfriend and eventually arranged a meeting with the undercover persona where the two intended to engage in sexual acts. Below are examples of the many exchanges between CLOUTIER and the undercover persona, referred to as “Me” below:

- a. April 10, 2019 Excerpts of Communications Conducted Over Text Messenger:

Apr 10, 2019, 10:59:56 PM Eastern Time: Me: Hey its [name of undercover persona]
 Apr 10, 2019, 11:00:26 PM Eastern Time: CLOUTIER: Hi
 Apr 10, 2019, 11:01:28 PM Eastern Time: Me: So I'm out 18 and I'm not looking for trouble
 Apr 10, 2019, 11:03:28 PM Eastern Time: CLOUTIER: ??what trouble.
 Apr 10, 2019, 11:03:38 PM Eastern Time: CLOUTIER: I dont want trouble either.
 Apr 10, 2019, 11:04:01 PM Eastern Time: Me: Cause on 14 and probably shouldn't be on [] lol
 Apr 10, 2019, 11:05:28 PM Eastern Time: CLOUTIER: Good call. Lol.
 Apr 10, 2019, 11:07:27 PM Eastern Time: Me: Me too. How old are u
 Apr 10, 2019, 11:07:43 PM Eastern Time: CLOUTIER: 56
 Apr 10, 2019, 11:07:56 PM Eastern Time: CLOUTIER: To old I know
 ...
 Apr 10, 2019, 11:15:02 PM Eastern Time: Me: What r u looking for
 Apr 10, 2019, 11:17:16 PM Eastern Time: CLOUTIER: Friends. Boy to train.
 Apr 10, 2019, 11:17:19 PM Eastern Time: CLOUTIER: :)
 Apr 10, 2019, 11:17:21 PM Eastern Time: CLOUTIER: U
 Apr 10, 2019, 11:17:43 PM Eastern Time: Me: Train?
 Apr 10, 2019, 11:18:06 PM Eastern Time: CLOUTIER: Teach. And have fun with. U?
 Apr 10, 2019, 11:18:40 PM Eastern Time: Me: That's kinda what I'm looking for
 Apr 10, 2019, 11:19:08 PM Eastern Time: CLOUTIER: :)
 Apr 10, 2019, 11:19:26 PM Eastern Time: CLOUTIER: Let you explore
 Apr 10, 2019, 11:19:31 PM Eastern Time: CLOUTIER: And learn
 Apr 10, 2019, 11:19:48 PM Eastern Time: CLOUTIER: Not making u hard am i?
 Apr 10, 2019, 11:20:16 PM Eastern Time: Me: No I'm tired
 Apr 10, 2019, 11:20:22 PM Eastern Time: CLOUTIER: Lol.
 Apr 10, 2019, 11:20:38 PM Eastern Time: CLOUTIER: What u fantasize about
 Apr 10, 2019, 11:21:41 PM Eastern Time: Me: Guys I guess
 Apr 10, 2019, 11:25:30 PM Eastern Time: CLOUTIER: :) u ever play with ur ass or masterbate ?

b. April 11, 2019 Excerpts of Communications Conducted Over Text Messenger:

Apr 11, 2019, 12:55:05 PM Eastern Time: CLOUTIER: U watch porn?
 Apr 11, 2019, 12:56:58 PM Eastern Time: Me: Yea
 Apr 11, 2019, 1:15:26 PM Eastern Time: CLOUTIER: What kind?
 Apr 11, 2019, 2:05:47 PM Eastern Time: CLOUTIER: Hey
 Apr 11, 2019, 2:11:51 PM Eastern Time: Me: Sorry I m back
 Apr 11, 2019, 2:46:06 PM Eastern Time: CLOUTIER: Wb
 Apr 11, 2019, 3:05:41 PM Eastern Time: CLOUTIER: What u doing
 Apr 11, 2019, 3:06:39 PM Eastern Time: Me: Nothing
 Apr 11, 2019, 3:11:59 PM Eastern Time: CLOUTIER: Aww. Wish I could help change that
 Apr 11, 2019, 3:12:12 PM Eastern Time: Me: Me too
 Apr 11, 2019, 3:13:31 PM Eastern Time: CLOUTIER: We could have fun doing things. Playing games going to movies
 Apr 11, 2019, 3:13:34 PM Eastern Time: CLOUTIER: :)
 Apr 11, 2019, 3:18:08 PM Eastern Time: Me: Yeah sure
 Apr 11, 2019, 3:34:57 PM Eastern Time: CLOUTIER: Hold hands?
 Apr 11, 2019, 3:35:13 PM Eastern Time: Me: Sure
 Apr 11, 2019, 3:39:42 PM Eastern Time: CLOUTIER: Like to explore?
 Apr 11, 2019, 4:14:31 PM Eastern Time: Me: Ok
 Apr 11, 2019, 4:28:45 PM Eastern Time: CLOUTIER: Touch. Hold. Each other

c. April 12, 2019 Excerpts of Communications Conducted Over Text Messenger:

Apr 12, 2019, 2:28:14 PM Eastern Time: CLOUTIER: Maybe we can meet
 Apr 12, 2019, 2:29:16 PM Eastern Time: Me: I would like to get to know u more

Apr 12, 2019, 2:29:33 PM Eastern Time: CLOUTIER: Agree.
 Apr 12, 2019, 2:29:47 PM Eastern Time: CLOUTIER: We have few months to do that
 Apr 12, 2019, 2:30:07 PM Eastern Time: Me: ?
 Apr 12, 2019, 2:34:15 PM Eastern Time: CLOUTIER: To get to know me more before we meet.
 Apr 12, 2019, 2:34:33 PM Eastern Time: CLOUTIER: Or are you saying you would like to meet to get to k ow me better
 Apr 12, 2019, 2:35:45 PM Eastern Time: Me: I am not really sure
 Apr 12, 2019, 3:15:58 PM Eastern Time: CLOUTIER: Lol.
 Apr 12, 2019, 3:16:16 PM Eastern Time: CLOUTIER: Ok. I would like to get to k ow you too.
 Apr 12, 2019, 3:17:31 PM Eastern Time: Me: Ok
 Apr 12, 2019, 3:59:12 PM Eastern Time: CLOUTIER: Ur a good guy to get to know. I can tell

d. May 9, 2019 Excerpts of Communications Conducted Over Text Messenger:

May 9, 2019, 4:39:17 PM Eastern Time: CLOUTIER: I am glad you are. Bet u are smiling more to
 May 9, 2019, 4:39:28 PM Eastern Time: CLOUTIER: I bet that smile is awesome
 May 9, 2019, 4:40:18 PM Eastern Time: CLOUTIER: Will be good kissing and holding u
 May 9, 2019, 4:43:04 PM Eastern Time: Me: Ughhh
 May 9, 2019, 4:43:13 PM Eastern Time: Me: U make me feel so good inside
 May 9, 2019, 4:43:23 PM Eastern Time: CLOUTIER: :)
 May 9, 2019, 4:43:28 PM Eastern Time: Me: Seriously y are u so sweet to me
 May 9, 2019, 4:43:34 PM Eastern Time: CLOUTIER: Good.
 May 9, 2019, 4:43:47 PM Eastern Time: CLOUTIER: Cause you are worth it
 ...
 May 9, 2019, 4:47:06 PM Eastern Time: CLOUTIER: One day I can rub my hands all over u.
 May 9, 2019, 4:47:48 PM Eastern Time: Me: Ugh
 May 9, 2019, 4:47:56 PM Eastern Time: Me: Sounds nice
 May 9, 2019, 4:48:24 PM Eastern Time: Me: You'll b my first.
 May 9, 2019, 4:48:29 PM Eastern Time: Me: Hope ok
 May 9, 2019, 4:48:39 PM Eastern Time: CLOUTIER: Yes.
 May 9, 2019, 4:48:56 PM Eastern Time: CLOUTIER: I will let u explore me too
 May 9, 2019, 4:49:09 PM Eastern Time: CLOUTIER: No rush.
 May 9, 2019, 4:49:23 PM Eastern Time: CLOUTIER: Just loving on my bf
 May 9, 2019, 4:51:28 PM Eastern Time: CLOUTIER: Lay on top and kiss you deeply
 ...
 May 9, 2019, 4:59:43 PM Eastern Time: CLOUTIER: Wish I could be there jerking u
 May 9, 2019, 4:59:49 PM Eastern Time: CLOUTIER: :)
 May 9, 2019, 5:01:02 PM Eastern Time: Me: Oh man
 May 9, 2019, 5:01:17 PM Eastern Time: Me: I bet they would feel so nice
 May 9, 2019, 5:01:49 PM Eastern Time: CLOUTIER: Will make sure it will.
 May 9, 2019, 5:02:05 PM Eastern Time: CLOUTIER: Massaging your balls. Ass.
 May 9, 2019, 5:02:40 PM Eastern Time: CLOUTIER: Sucking your nipples
 May 9, 2019, 5:03:23 PM Eastern Time: Me: Ugh hope so.
 May 9, 2019, 5:03:37 PM Eastern Time: Me: It'll b amazing g
 May 9, 2019, 5:03:38 PM Eastern Time: CLOUTIER: Pumping a load or 2 out of you
 ...
 May 9, 2019, 9:51:15 PM Eastern Time: CLOUTIER: Like to feel u stroking mine
 May 9, 2019, 9:51:20 PM Eastern Time: Me: Hope u like that
 May 9, 2019, 9:54:01 PM Eastern Time: CLOUTIER: Will enjoy hearing u cum
 May 9, 2019, 9:55:50 PM Eastern Time: Me: Me to. Will b amazing to finally see u
 May 9, 2019, 9:56:03 PM Eastern Time: CLOUTIER: Want to see that load

e. June 19, 2019 Excerpts of Communications Conducted Over Text Messenger:

Jun 19, 2019, 9:23:51 PM Eastern Time: CLOUTIER: Thinking of me?
 Jun 19, 2019, 9:24:04 PM Eastern Time: Me: Umm uea
 Jun 19, 2019, 9:24:45 PM Eastern Time: Me: Was thinkin about what u said other night. How it wont hurt n stuff. Was little worried but feel better now about tryin
 Jun 19, 2019, 9:26:19 PM Eastern Time: CLOUTIER: Well it's not important to rush in
 Jun 19, 2019, 9:26:42 PM Eastern Time: CLOUTIER: Take time. Loosen it up.
 Jun 19, 2019, 9:28:04 PM Eastern Time: CLOUTIER: To be honest it's not my intention to just ram it in. Lol.
 Jun 19, 2019, 9:28:41 PM Eastern Time: CLOUTIER: I love u for you. Your heart. ,
 Jun 19, 2019, 9:31:58 PM Eastern Time: Me: Haha
 Jun 19, 2019, 9:32:06 PM Eastern Time: Me: Ok not worried.
 Jun 19, 2019, 9:32:16 PM Eastern Time: Me: I know ull be gentle

f. June 24, 2019 Excerpts of Communications Conducted Over Text Messenger:

Jun 24, 2019, 10:46:22 PM Eastern Time: CLOUTIER: Hope u are naked my boi
 Jun 24, 2019, 10:46:45 PM Eastern Time: CLOUTIER: Sleep well. My boi. Love u
 Jun 24, 2019, 10:50:08 PM Eastern Time: Me: I am
 Jun 24, 2019, 10:50:14 PM Eastern Time: Me: Lyt
 Jun 24, 2019, 10:50:53 PM Eastern Time: CLOUTIER: Hmmm. Cant wait to see. Lol.
 Jun 24, 2019, 10:51:20 PM Eastern Time: Me: I know me to.
 Jun 24, 2019, 10:51:30 PM Eastern Time: Me: Itll be so good
 Jun 24, 2019, 10:51:40 PM Eastern Time: CLOUTIER: Yes.
 Jun 24, 2019, 10:51:53 PM Eastern Time: CLOUTIER: Hard aren't you. Boi pussy wet?
 Jun 24, 2019, 10:51:59 PM Eastern Time: CLOUTIER: Lol
 Jun 24, 2019, 10:52:14 PM Eastern Time: Me: Uea
 Jun 24, 2019, 10:52:18 PM Eastern Time: Me: Are u
 Jun 24, 2019, 10:52:33 PM Eastern Time: Me: It is
 Jun 24, 2019, 10:52:49 PM Eastern Time: CLOUTIER: Stroking aren't u
 Jun 24, 2019, 10:53:17 PM Eastern Time: Me: Thinkin about us and when were together
 Jun 24, 2019, 10:53:44 PM Eastern Time: CLOUTIER: Hmm. Feeling each other.
 Jun 24, 2019, 10:53:50 PM Eastern Time: CLOUTIER: Holding each other.
 Jun 24, 2019, 10:54:22 PM Eastern Time: Me: Almost hard to think about bc itll be so good.
 Jun 24, 2019, 10:54:33 PM Eastern Time: Me: Makes me want it more
 Jun 24, 2019, 10:55:32 PM Eastern Time: CLOUTIER: Hmmm.
 Jun 24, 2019, 10:55:43 PM Eastern Time: CLOUTIER: Looking into your eyes.
 Jun 24, 2019, 10:56:02 PM Eastern Time: CLOUTIER: Telling you how wonderful you are.

g. August 20, 2019 Excerpts of Communications Conducted Over Text Messenger:

Aug 20, 2019, 2:56:38 PM Eastern Time: Me: Hi. Sorry I've been off
 Aug 20, 2019, 2:56:51 PM Eastern Time: Me: Just couldn't do this anymore I'm sorry
 Aug 20, 2019, 2:57:29 PM Eastern Time: CLOUTIER: Babe. Do what.
 Aug 20, 2019, 2:58:23 PM Eastern Time: CLOUTIER: How can we make it work
 Aug 20, 2019, 3:04:10 PM Eastern Time: CLOUTIER: Babe. But you dont need to do it alone. I am here for you.
 Aug 20, 2019, 3:04:23 PM Eastern Time: CLOUTIER: We can solve this together
 Aug 20, 2019, 3:04:37 PM Eastern Time: CLOUTIER: We are stronger together
 Aug 20, 2019, 3:04:58 PM Eastern Time: Me: I hope so u are so sweet and good
 Aug 20, 2019, 3:05:15 PM Eastern Time: CLOUTIER: You are worth the investment. Of my time and love.

Aug 20, 2019, 3:06:46 PM Eastern Time: CLOUTIER: And I am not giving up on you.
 Aug 20, 2019, 3:07:33 PM Eastern Time: CLOUTIER: Let's work on this together. Please babe
 Aug 20, 2019, 3:09:06 PM Eastern Time: Me: Ok J. Hope we can :(
 Aug 20, 2019, 3:11:24 PM Eastern Time: CLOUTIER: Promise me you won't give up
 Aug 20, 2019, 3:13:12 PM Eastern Time: Me: Ok i do

h. September 3, 2019 Excerpts of Communications Conducted Over Text Messenger:

Sep 3, 2019, 8:09:47 PM Eastern Time: CLOUTIER: But love makes the heart grow fonder.
 Sep 3, 2019, 8:10:09 PM Eastern Time: CLOUTIER: And am working on a trip for real the weekend of the 20th
 Sep 3, 2019, 8:10:10 PM Eastern Time: Me: Yea I guess lol
 Sep 3, 2019, 8:10:30 PM Eastern Time: Me: Oh my gosh really? Plz don't kid w me
 Sep 3, 2019, 8:10:34 PM Eastern Time: CLOUTIER: Able to stay a grams that night
 Sep 3, 2019, 8:10:41 PM Eastern Time: CLOUTIER: I am not kidding with you
 Sep 3, 2019, 8:10:49 PM Eastern Time: CLOUTIER: I am serious.
 Sep 3, 2019, 8:11:04 PM Eastern Time: CLOUTIER: To be honest I want to so badly to see tou
 ...
 Sep 3, 2019, 8:12:53 PM Eastern Time: CLOUTIER: And to be upfront. There is no expectation about sex
 Sep 3, 2019, 8:13:06 PM Eastern Time: CLOUTIER: Just being with you
 Sep 3, 2019, 8:13:20 PM Eastern Time: Me: Ok kewl same here will be so good to see u finally. God I'll be nervous. Good nervous
 Sep 3, 2019, 8:13:31 PM Eastern Time: Me: And tbh I'm ok w whatever happens.
 Sep 3, 2019, 8:13:37 PM Eastern Time: Me: Trust u
 Sep 3, 2019, 8:14:25 PM Eastern Time: CLOUTIER: :) and I trust u '
 Sep 3, 2019, 8:14:37 PM Eastern Time: Me: Yay
 Sep 3, 2019, 8:15:09 PM Eastern Time: CLOUTIER: Hold your hand
 Sep 3, 2019, 8:15:18 PM Eastern Time: CLOUTIER: Rub your neck.
 Sep 3, 2019, 8:15:26 PM Eastern Time: CLOUTIER: Kiss your ears
 ...
 Sep 3, 2019, 8:19:33 PM Eastern Time: CLOUTIER: Lol. Did I make u all hard?
 Sep 3, 2019, 8:20:22 PM Eastern Time: Me: Ummm
 Sep 3, 2019, 8:20:26 PM Eastern Time: Me: Maybe lol
 Sep 3, 2019, 8:20:52 PM Eastern Time: CLOUTIER: Lol.
 Sep 3, 2019, 8:21:15 PM Eastern Time: CLOUTIER: Will be good to kiss you deeply.
 Sep 3, 2019, 8:21:48 PM Eastern Time: CLOUTIER: Have our tongues explore each other
 Sep 3, 2019, 8:22:03 PM Eastern Time: Me: Mmm yea
 Sep 3, 2019, 8:23:12 PM Eastern Time: CLOUTIER: U French kissed before?
 Sep 3, 2019, 8:23:25 PM Eastern Time: Me: Tbh no :(
 Sep 3, 2019, 8:23:47 PM Eastern Time: CLOUTIER: No frown. It's all ok
 Sep 3, 2019, 8:24:10 PM Eastern Time: Me: Just wanna do it good for u
 Sep 3, 2019, 8:24:19 PM Eastern Time: CLOUTIER: I will. Teach you.
 Sep 3, 2019, 8:24:37 PM Eastern Time: CLOUTIER: Babe. You could never do it wrong
 Sep 3, 2019, 8:25:07 PM Eastern Time: Me: Ty J ur sweet
 Sep 3, 2019, 8:25:45 PM Eastern Time: CLOUTIER: Your heart is that most important.
 Sep 3, 2019, 8:25:56 PM Eastern Time: CLOUTIER: Fun to teach and explore
 Sep 3, 2019, 8:26:12 PM Eastern Time: Me: Yea for sure
 Sep 3, 2019, 8:27:55 PM Eastern Time: CLOUTIER: Running my hands allover
 Sep 3, 2019, 8:28:21 PM Eastern Time: Me: Will b great J
 Sep 3, 2019, 8:29:09 PM Eastern Time: CLOUTIER: Yes it will. Lovers connecting. Exploring. Loving
 Sep 3, 2019, 8:30:00 PM Eastern Time: CLOUTIER: How long can you be out for?
 Sep 3, 2019, 8:35:46 PM Eastern Time: CLOUTIER: U stroking?

Sep 3, 2019, 8:36:20 PM Eastern Time: Me: I am
 Sep 3, 2019, 8:36:24 PM Eastern Time: Me: Hope that's ok
 Sep 3, 2019, 8:36:41 PM Eastern Time: CLOUTIER: Wish I could watch.
 Sep 3, 2019, 8:37:15 PM Eastern Time: Me: Ugh
 Sep 3, 2019, 8:37:38 PM Eastern Time: Me: Soon tho and it's making me feel really good not gonna lie J
 Sep 3, 2019, 8:38:20 PM Eastern Time: CLOUTIER: Good.
 Sep 3, 2019, 8:38:45 PM Eastern Time: CLOUTIER: Playing with ur hole? All naked?
 Sep 3, 2019, 8:39:04 PM Eastern Time: CLOUTIER: Wait til u let me do the playing
 Sep 3, 2019, 8:40:30 PM Eastern Time: Me: Ughhhh
 ...
 Sep 3, 2019, 9:22:25 PM Eastern Time: CLOUTIER: Bring u up t the room. Close the door and hold u tight
 Sep 3, 2019, 9:22:49 PM Eastern Time: Me: Ugh yes
 Sep 3, 2019, 9:23:04 PM Eastern Time: CLOUTIER: Look in ur eyes.
 Sep 3, 2019, 9:23:24 PM Eastern Time: CLOUTIER: Tell you how valuable and loved you are.
 Sep 3, 2019, 9:24:14 PM Eastern Time: Me: I can't even imagine how good that will feel
 Sep 3, 2019, 9:24:16 PM Eastern Time: CLOUTIER: Reach down and kiss your sweet lips
 Sep 3, 2019, 9:24:31 PM Eastern Time: Me: Can feel it now J
 Sep 3, 2019, 9:24:42 PM Eastern Time: CLOUTIER: We can sot down on the couch.
 Sep 3, 2019, 9:24:48 PM Eastern Time: CLOUTIER: Holding you.
 Sep 3, 2019, 9:25:23 PM Eastern Time: CLOUTIER: Letting you get comfortable
 Sep 3, 2019, 9:25:38 PM Eastern Time: CLOUTIER: Kissing the top of your head
 Sep 3, 2019, 9:25:48 PM Eastern Time: Me: So nicee
 Sep 3, 2019, 9:59:39 PM Eastern Time: CLOUTIER: Sliding deep.
 Sep 3, 2019, 9:59:50 PM Eastern Time: CLOUTIER: Shooting deep
 Sep 3, 2019, 10:00:02 PM Eastern Time: Me: Will the whole thing be inside me?
 Sep 3, 2019, 10:00:20 PM Eastern Time: CLOUTIER: In time yes
 Sep 3, 2019, 10:00:28 PM Eastern Time: CLOUTIER: I will not force
 Sep 3, 2019, 10:00:30 PM Eastern Time: Me: Kk.
 Sep 3, 2019, 10:00:49 PM Eastern Time: Me: I know u wouldn't Can't stop think g about it actually
 Sep 3, 2019, 10:01:04 PM Eastern Time: Me: I'm starting to doze off J.

i. September 5, 2019 Excerpts of Communications Conducted Over Text Messenger:

Sep 5, 2019, 8:17:50 PM Eastern Time: CLOUTIER: 20th still a go?
 Sep 5, 2019, 9:01:21 PM Eastern Time: Me: Hey
 Sep 5, 2019, 9:01:22 PM Eastern Time: Me: Sorry fell asleep last night
 Sep 5, 2019, 9:03:25 PM Eastern Time: CLOUTIER: Its ok. Sleep is imortant
 Sep 5, 2019, 9:08:13 PM Eastern Time: Me: Yea been so tired.
 Sep 5, 2019, 9:08:18 PM Eastern Time: Me: How r u
 Sep 5, 2019, 9:13:20 PM Eastern Time: CLOUTIER: Ok. 20th is a go
 Sep 5, 2019, 9:13:23 PM Eastern Time: CLOUTIER: :)
 Sep 5, 2019, 9:19:32 PM Eastern Time: CLOUTIER: Cant wait
 Sep 5, 2019, 9:20:35 PM Eastern Time: Me: I know me to. Sooo xcited
 Sep 5, 2019, 9:21:00 PM Eastern Time: CLOUTIER: Booking hotel tomorrow
 Sep 5, 2019, 9:21:58 PM Eastern Time: Me: Can't wait J. Wish I could help u pay for it tho
 Sep 5, 2019, 9:23:49 PM Eastern Time: CLOUTIER: Being with u is all I need
 ...
 Sep 6, 2019, 3:40:20 PM Eastern Time: CLOUTIER: Am at the microtel inn by albany airport. On 20 sept

10. CLOUTIER also told the undercover persona over text message that he would send gifts to him on several occasions. TFO Smith, acting in his undercover capacity provided a covert address in the Town of Colonie for CLOUTIER to send the gifts. CLOUTIER sent photographs by text message of the packages being sent. TFO Smith collected three packages from the covert address, one each in April, June and September 2019 containing assorted Easter candy, a wrist watch and greeting card signed “your bf” and Halloween candy and a box for an athletic supporter (although the athletic supporter was not in the box), respectively, matching what was discussed and sent over text message. The package labels also contained “Jay” or “Cloutier.”

11. On September 15, 2019, Special Agent Andrew Zubik, acting as the undercover persona, conducted a telephone call with CLOUTIER to the 207-232-XXXX number. This call was audio recorded. During the call, CLOUTIER stated that he would be arriving in the Albany area on Friday, September 20, 2019 in his black pickup truck at approximately 3:30pm. CLOUTIER had also previously said via text message that he would be pulling a horse trailer. CLOUTIER said that he would pick up the individual at the Hill Top Plaza, located in the Town of Colonie, New York, which the two had previously discussed over text message, and transport him to the motel room that he rented. CLOUTIER stated that the two would then shower together and engage in sexual conduct, including that CLOUTIER discussed getting the undercover persona “hard” in the shower, sliding his finger some places and “up and down [the undercover persona’s] butt crack” and “play[ing] with [his] little hole for a little bit.” A search of the State of Maine Bureau of Motor Vehicles records revealed that JAY SCOTT CLOUTIER, date of birth XX/XX/1963, is listed as the registrant of a black 2016 Chevrolet 1500 bearing Maine license plate “COLJ.”

12. CLOUTIER and the undercover persona continued to text message up until the

arranged meeting. The undercover persona asked whether they would need condoms and CLOUTIER said “it’s a smart question.” He said “that decision always is your call” and told the undercover persona, “I am clean and disease free,” followed by “Babe. You are what is important.” Leading up to the meeting, the undercover persona expressed that he was nervous about meeting and CLOUTIER tried to calm his nerves and told him how much he means to him. CLOUTIER also said that there “is no expectation,” “just to be with you.” He also continued to talk about a “naughty dream” he had about the undercover persona. On September 19, 2019, the two engaged in the following exchange:

Sep 19, 2019, 9:38:06 PM Eastern Time: CLOUTIER: No cumming
 Sep 19, 2019, 9:38:35 PM Eastern Time: Me: Nooo been saving
 Sep 19, 2019, 9:46:37 PM Eastern Time: CLOUTIER: For what? Lol
 Sep 19, 2019, 9:48:17 PM Eastern Time: Me: Hahah ☐
 Sep 19, 2019, 9:48:22 PM Eastern Time: Me: 🍷
 Sep 19, 2019, 9:48:28 PM Eastern Time: Me: Lol
 Sep 19, 2019, 9:49:13 PM Eastern Time: CLOUTIER: For shower ?
 Sep 19, 2019, 9:49:43 PM Eastern Time: Me: Wanted to have a lot
 Sep 19, 2019, 9:49:46 PM Eastern Time: Me: Hope ok
 Sep 19, 2019, 9:51:10 PM Eastern Time: CLOUTIER: Yes
 Sep 19, 2019, 9:51:20 PM Eastern Time: CLOUTIER: I am sure will
 Sep 19, 2019, 9:52:07 PM Eastern Time: CLOUTIER: You*

13. On September 20, 2019, the day of the arranged meet, CLOUTIER provided the undercover persona with updates, via text message, on his travel, indicating that he had crossed state lines. At 12:15:44 PM, he stated “170 miles away,” at 2:14:53 PM, he stated “through cities in ma. Almost to NY,” and at 2:59:44 PM, he stated “In newyork.” Law enforcement also conducted surveillance and took a photograph of CLOUTIER’s vehicle entering into New York State from Massachusetts.

14. On September 20, 2019 at approximately 4:00p.m., CLOUTIER arrived at the pre-determined meeting location, located in the Town of Colonie, New York, driving the black 2016 Chevrolet pickup truck pulling a horse trailer referenced in paragraph 11 above. Law enforcement approached CLOUTIER and he got out of the car. CLOUTIER’s appearance matched the

photographs of himself that he sent to the undercover persona by text message. Shortly thereafter, CLOUTIER was read his Miranda rights and waived his rights and agreed to speak with investigators. CLOUTIER provided his identifying information. CLOUTIER admitted to engaging in the text messages, using (207) 232-XXXX, with the undercover persona, who he believed was an actual minor. He said that he thought the individual he was communicating with was a 15-year-old male. CLOUTIER acknowledged that he intended to potentially engage in anal sex with the individual when they met in New York, and that he and the undercover persona (who he still thought at the time of the interview was an actual minor) discussed engaging in several sexual acts leading up to the meeting. CLOUTIER provided consent to search his vehicle which revealed a bags containing condoms, rope, rubber gloves, a dog leash and collar and lubricant. There was also erectile dysfunction medication found in the truck.¹


15. The acts CLOUTIER described engaging in with the undercover person, whom he believed to be a 14 or 15-year-old boy, as set forth above, would constitute, among others, a violation of New York State Penal Law § 130.45, criminal sex act in the second degree.

Conclusion

16. Based upon the above information, I believe that probable cause exists that CLOUTIER has violated Title 18, United States Code, Section 2422(b), which prohibits the use of a facility of interstate commerce to persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense, as well as Title 18, United States Code, Section 2423(b), which prohibits any person from traveling in interstate commerce for the purpose of engaging in illicit sexual conduct with another person, such

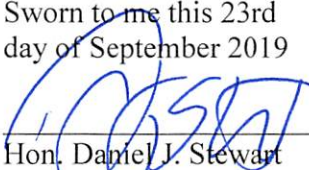
¹ CLOUTIER noted during his interview that his wife is in Africa on a work mission.

conduct being a sexual act (as defined in Title 18, United States Code, Section 2246) with a person under 18 years of age that would be in violation of Chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States.



Brian P. Seymour
Special Agent
Federal Bureau of Investigation

Sworn to me this 23rd
day of September 2019



Hon. Daniel J. Stewart
U.S. Magistrate Judge